

III. REMARKS

Claims 1-28 are pending in this application. By this amendment, claims 1, 7, 12, 17 and 23 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 6-7, 10-13, 15-19, 22-25 and 28 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter "Pulsipher." Claims 4-5, 8-9, 14, 20-21 and 26-27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pulsipher in view of Steele *et al.* (U.S. Patent No. 6,282,175), hereafter "Steele."

A. REJECTION OF CLAIMS 1-3, 6-7, 10-13, 15-19, 22-25 AND 28 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Pulsipher, Applicants assert that Pulsipher does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach collecting device identification and detail information, wherein the detail information includes device characteristic information and software information. In the Response to Arguments section of the Office Action, the Office states that "...the limitation "detail information" is not specifically defined in the specification," and equates the detail information of the claimed invention with the inclusion in Pulsipher of "...whether an interface or device supports the

SNMP protocol.” Office Action, page 3, lines 5-6; page 4, para. 1. However, the indication of whether an interface or device supports the SNMP protocol of Pulsipher only indicates the ability of the device to use a certain protocol. To this extent, the indication of Pulsipher is neither a device characteristic (e.g., how much RAM a workstation currently has) nor a software characteristic (e.g., that workstation A has Microsoft WordTM and/or the software version), and is certainly not both. In contrast, the claimed invention includes “...collecting device identification and detail information...wherein the detail information includes device characteristic information and software information.” Claim 1. As such, the detail information of the claimed invention is not merely an indication of whether an interface or device supports the SNMP protocol as in Pulsipher, but instead includes device characteristic information and software information. Thus, the collection of device identification and detail information as included in the claimed invention is not taught by the discovery of topology data in Pulsipher. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that Pulsipher fails to teach, *inter alia*, a collection system for collecting device identification and detail information from devices on the network by communicating with each device to retrieve the device identification and detail information. Instead, the passage of Pulsipher cited by the Office teaches “[t]he network monitor discovers and monitors network topology...the network monitor can also receive events from other devices, such as a router, in the network.” Col. 7, lines 42-44, 47-49. To this extent the network monitor of Pulsipher is a monitor that monitors network topology as it is passed through the network. This monitoring may include receiving events from other devices. However, in equating the actions of Pulsipher with those of the

claimed invention the Office seems to ignore the active component of the word "retrieve".

Specifically, in order to "retrieve" something, some action must occur on the part of the one doing the retrieving. This is in contrast to the words monitor and receive in which the one doing the monitoring and/or receiving passively waits for the desired thing. To this extent, the monitoring and receiving of Pulsipher does not teach actively retrieving, such as by pinging, information from a particular device. Furthermore, the receiving and monitoring of Pulsipher is not triggered by the network monitor's communication with the device. Nowhere does Pulsipher teach that its network monitor retrieves the device identification and detail information from each device in response to a communication with the device. In contrast, the claimed invention includes "...a collection system for collecting device identification and detail information from devices on the network by communicating with each device to retrieve the device identification and detail information." Claim 1. As such, the collection system of the claimed invention does not simply monitor network topology as does the network monitor of Pulsipher, but instead collects device identification and detail information from devices on the network by retrieving the device identification and detail information from each device. Furthermore, the collection system of the claimed invention collects the device identification and detail information by communicating with each device. Thus, the collection system as included in the present invention is not taught by the network monitor of Pulsipher. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 7, 17 and 23, Applicants respectfully submit that Pulsipher also fails to teach collecting the device identification and detail information at predetermined scheduled times. The passages of Pulsipher cited by the Office teach,

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Another advantage of the internet monitoring system is that it implements cooperating management and/or collection stations that can share data, thereby reducing redundant and unnecessary polling. Col 7, lines 36-39; and

When network topology changes on the network, the network monitor generates events, or traps (SNMP vernacular), which include an object identifier and object change information. The network monitor can also receive events from other devices, such as a router, in the network. Col. 7, lines 44-49.

To this extent, the Pulsipher network monitor is a continuously running monitor that issues events to the topology manager if it detects or is notified of a topology change and not a system that monitors system topology only at predetermined scheduled times. Col. 7, lines 41-57, specifically lines 54-57. Furthermore, the sharing of data to eliminate polling in Pulsipher indicates that the collection stations can share data (presumably that has already been collected) and does not specify that the actual collection of the data is performed at predetermined scheduled times. The claimed invention, in contrast, includes "...collecting the device identification and detail information at predetermined scheduled times." Claim 1. As such, in the claimed invention, the device identification and detail information is collected at predetermined scheduled times, not continuously monitored as in Pulsipher. Furthermore, the times as included in the claimed invention are not generated as a result of a topology change on the network as are the events in Pulsipher, but rather are at predetermined scheduled times. For the above reasons, the events of Pulsipher do not teach the collecting of device identification and detail information at predetermined scheduled times as included in the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features.

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IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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